

GOVERNMENT OF ANDHRA PRADESH

# ABSTRACT

Public Servants – A.P.M & H.S. – Sri P.Balaiah, Superintendent O/o. Assistant Director, Drugs Control Administration, Regional Office, OTC, Hyderabad-Trapped by the ACB officials on 08-03-2002 – Prosecuted - Convicted by the ACB Court– Punishment of withholding of 100% in Pension and Gratuity – Imposed -Orders -Issued

HELATH, MEDICAL &amp; FAMILY WELFARE (VC-1) DEPARTMENT

G.O.Ms.No. 183

Dated:01-07-2011

Read the following:-

- 1) G.O. Ms. No. 148, Health Medical & Family Welfare (VC.I) Department, dated 19.05.2004.
- 2) Judgment of the Principal Special Judge for SPE & ACB Cases, City Civil Court, Hyderabad in C.C. No. 33 of 2004, dt. 30.07.2010.
- 3) Govt. Memo. No. 6773/VC1(2)/2002, dt. 04-09-2010
- 4) From Sri P.Balaiah representation, dt. 11-10-2010

X-X-XX-X

ORDER:

Whereas, Sri P.Balaiah, Superintendent O/o. Assistant Director, Drugs Control Administration, Regional Office, OTC, Hyderabad, was trapped on 08-03-2002 by the Anti Corruption Bureau officials when he demanded and accepted an amount of Rs.2,000/- from the complainant as bribe for doing official favour. The Government have accorded sanction for the prosecution of the individual in a Court of law for the offences punishable under sections 7 and 13 of the Prevention of Corruption Act, 1988 in the G.O. 1<sup>st</sup> read above. In the mean while, Sri P.Balaiah retired from service on 31-08-2006 on attaining the age of superannuation ;

2. And Whereas, the Principal Special Judge for SPE & ACB Cases, City Civil Court, Hyderabad in its Judgment dated 30-07-2010 in C.C. No.33/2004 finding the Accused Officer guilty of the offences charged against him under sections 7 and 13 (1)(d) read with section 13 (2) of the Prevention of Corruption Act, 1988 and consequently, he has convicted under section 248(2) Cr. P.C. and sentenced him to undergo Rigorous Imprisonment for a period of one year and to pay a fine of Rs. 1,000/- in default to undergo Simple Imprisonment for a period of one month for the offence punishable under section 7 of the said Act. Further, the Accused Officer was sentenced to undergo Rigorous Imprisonment for a period of one year and to pay a fine of Rs. 1000/- in default, to undergo Simple Imprisonment for a period of one month for the offence under section 13(1)(d) read with section 13(2) of the Act, 1988. Both the substantive sentences of imprisonment imposed on the Accused Officer was ordered to be run concurrently;

3. And whereas, the Government after careful examination of the entire case in the light of the Judgment of the trial court, have provisionally decided to impose a punishment of 100% cut in pension permanently and withholding of gratuity in full due to Sri P.Balaiah, Superintendent. Accordingly, a show cause notice was issued to him in the memo. 3<sup>rd</sup> read above, calling for the explanation of Sri P.Balaiah within 15 days from the date of receipt of the memo ;

4. And whereas, Sri P. Balaiah, Superintendent (Retd.) has stated his explanation in the 4<sup>th</sup> read above that he has filed Criminal Appeal No. 941 of 2010 in the Hon'ble High Court and obtained interim suspension of the sentence, by orders dated 06.08.2010 and as per the settled principle of law by the Apex Court that during the pendency of the Appeal, he is entitled for provisional pension for sustaining his family. Since, he has already retired from service on attaining the age of superannuation, he cannot be treated as a Government servant for imposing the said punishment. In the guise of his conviction by the Criminal Court, without examining the consequences under which the said conviction order was passed and without examining the grounds on which the conviction order was challenged before the High Court, taking unilateral decision for withholding of 100% pension with all other retrial benefits is arbitrary and illegal and unjust. He has, therefore, requested to continue to pay his provisional pension till the disposal of the Criminal Appeal before the Hon'ble High Court to sustain himself and his family and also to avoid financial hardship ;

(Contd..2)

5. The Government have examined the reply of the Sri P.Balaiah to the show cause notice with reference to judicial pronouncements and precedents and with specific reference to the A.P. High Court order dated 06.08.2010 in CrI. A.M.P. No. 1448 of 2010 in CrI. A. No. 941 of 2010, wherein the Hon'ble Court has suspended the sentence of imprisonment imposed against the petitioner and not the conviction per se. Therefore, the conviction prevails. Moreover, the Hon'ble High Court of A.P. in W.P.No. 8000 of 2009 upheld the authority of the State to take disciplinary action against the public servant convicted of corruption even while the appeal is pending. Hence, the contentions of the individual deserves no consideration.
6. And whereas, the Government have decided to confirm the provisional decision to impose a punishment of withholding of 100% in pension permanently and in gratuity against Sri P.Balaiah, Superintendent (retired).
7. Now, therefore, the Government, hereby impose a punishment of withholding of 100% in pension permanently along with gratuity against Sri P.Balaiah, Superintendent (Retd.) formerly at office of the Assistant Director, Drugs Control Administration, Regional Office, OTC, Hyderabad.
8. The Director General, Drugs Control Administration, Hyderabad shall take further necessary action in the matter.
9. Accordingly, the following notification will be published in an Extra-Ordinary issue of the Andhra Pradesh Gazette dated.04-07-2011.

#### NOTIFICATION

In exercise of the powers conferred by rule 8 read with sub rule (1) of rule 9 of the Andhra Pradesh Revised Pension Rules, 1980, the Governor of Andhra Pradesh hereby imposes a punishment of withholding of 100% in Pension permanently and gratuity against Sri P.Balaiah, Superintendent (Retd.), Office of the Assistant Director, Drugs Control Administration, Regional Office, OTC, Hyderabad.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.P.V.RAMESH  
PRINCIPAL SECRETARY TO  
GOVERNMENT

**To**

The Commissioner, Printing, Stationary & Stores

Purchases, A.P., Hyderabad ( with a request to supply 20 copies)

Sri P. Balaiah, Superintendent (Retd.), H.No. 1-2-49/12, Hydernagar,

Jaibharat Nagar, Nizampet Road, Ranga Reddy district,

HYDERABAD- 500 072. (by Regd. Post with Ack. due)

The Director General, Drugs Control Administration, Hyderabad

**Copy to**

The Accountant General, A.P., Hyderabad

The Director General, Anti Corruption Bureau, Hyderabad

The Secretary, A.P. Vigilance Commission, Hyderabad

The Law (E) Department.

Sf/Scs.

// FORWARDED::BY ORDER//

SECTION OFFICER